ORDERED, that the above-entitled action be and is hereby dismissed and discontinued without costs, and without prejudice to the right to reopen the action within forty-five (45) days if the settlement is not consummated. Any pending motions are moot. All conferences are vacated.

P. Kevin Castel
United States District Judge

USDS SDNY

Dated: New York, New York February 3, 2011

settled, it is